

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Lynchburg Division**

In Re: Vassilios Hatzigeorgio aka Vassilo
Hatzigeorgio aka Bill Hedges

Case No. 14-60817
Chapter 13

U.S. Bank Trust, N.A., as Trustee for LSF8 Master Participation Trust, by Caliber Home Loans, Inc., as its attorney in fact, Movant

vs.

Vassilios Hatzigeorgio aka Vassilo Hatzigeorgio aka Bill Hedges, Debtor
Stella Hatzigergio, Co-Debtor
Herbert L Beskin(82), Trustee
Respondents

**MOTION TO RECONSIDER DENIAL OF MOTION FOR RELIEF FROM STAY
Real Property at 3887 Pritchett Lane, Charlottesville, Virginia 22911**

COMES NOW, U.S. Bank Trust, N.A., as Trustee for LSF8 Master Participation Trust, by Caliber Home Loans, Inc., as its attorney in fact, Movant by and through undersigned counsel and respectfully requests that this Honorable Court reconsider its denial of Movant's Motion for Relief from Automatic Stay and Co-Debtor Stay and in support thereof states as follows:

1. On July 16, 2014 Movant filed a Motion for Relief from Stay and Co-Debtor Stay ("Motion") pursuant to 11 U.S.C. Sec. 362 d through f, and Sec. 1301 a, c and d, and 28 U.S.C. Section 1334 and Section 157, giving this Court jurisdiction to grant relief from the Automatic Stay for cause and/or to prevent irreparable damage to the interest of a secured creditor in the property of the Debtor.

2. At the time the Motion was filed, the Debtor had failed to pay the post-petition payments for the months of May 2014 to July 2014, and the amount due was \$7,397.53, which included current bankruptcy legal fees and costs of \$676.00.

3. Accordingly, pursuant to 11 U.S.C. sec. 362(d)(1), the Movant had grounds to assert that the stay be lifted as the Movant was inadequately protected by the Debtor's failure to make the post-petition payments.

4. Debtor filed an Answer to Motion for Relief From Stay (“Answer”) to Movant’s Motion on July 17, 2014 as docket entry 31.

5. Debtor’s Answer did not allege a pending loan modification or otherwise indicate that Debtor had applied for or was pending a loan modification.

6. On or about September 9, 2014, counsel for Movant contacted Debtor’s bankruptcy attorney in regards to reaching a settlement regarding the Motion.

7. On or about September 9, 2014, Debtor’s bankruptcy counsel indicated to Movant’s counsel that a loan modification was possibly “being worked on” by a third party, but that Debtor’s bankruptcy counsel was not responsible for same.

8. This Court considered the Motion for Relief from Stay on September 15, 2014 and denied Movant’s Motion for Relief based on Debtor’s bankruptcy attorney’s oral representation that a loan modification may or may not be pending.

9. As of September 29, 2014, no order denying the Motion has been entered by the Court.

10. To date, Movant has not approved Debtor for a loan modification, and no loan modification application is currently pending with the Movant.

11. The Movant contends therefore that cause still exists for the stay to be lifted and that it is inadequately protected by the Debtor's failure to make the post-petition payments.

12. Movant believes and therefore avers that cause exists for relief from stay and therefore requests that the Court strike its denial of Movant’s Motion and set the Motion for Hearing.

WHEREFORE, Movant by and through undersigned counsel respectfully requests that this Honorable Court reconsider its denial of Movant’s Motion for Relief and set a hearing thereon at the earliest available date and for such other and further relief as this Court deems just and proper.

Respectfully Submitted,

/s/ Justina Martynaityte, Esq.
Attorney for Movant
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed, first class, postage prepaid, on September 29, 2014, to Vassilios Hatzigeorgio at 3887 Pritchett Lane, Charlottesville, Virginia 22911 and Stella Hatzigergio at 3887 Pritchett Lane, Charlottesville, Virginia 22911. Copies were sent electronically via the CM/ECF system to Larry L. Miller, Esq, Attorney for Debtor and Herbert L Beskin(82), Trustee.

/s/ Justina Martynaityte, Esq.